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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,770	11/04/1999	CYNTHIA M. MERKIN	M-7826-US	4340
27683	7590	04/07/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			SMITHERS, MATTHEW	
			ART UNIT	PAPER NUMBER
			2137	11
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/434,770

Applicant(s)

MERKIN, CYNTHIA M.

Examiner

Matthew B Smithers

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-25 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-25 and 27-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed January 22, 2004 have been fully considered but they are not persuasive. Applicant argues de la Huerga fails to teach placing the computer system in a condition to deny access by placing the computer into a lower power state when the identification signal detection circuit has not received an identification signal within a predetermined time period. First, as applicant taught on page 6, line 16 to page 7, line 9 of the specification, the power states of a power management strategy range from the highest state (computer operating normally in an "on power" state) to the lowest state (computer completely turned off). The examiner contends de la Huerga does teach the situation in which the computer transitions to a lower state (i.e. logged off) when the computer terminal does not receive a signal within a predetermined time period. In column 14, lines 26-29, de la Huerga teaches if the security badge does not transmit a recommitment signal to the terminal in a predetermined time period, then the terminal will be logged off. This logged off state is a power state that places the computer in a condition where access is denied to the system user. Therefore, the examiner maintains the rejection given below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2137

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-25, and 27-37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 5,960,085 granted to de la Huerga.

Regarding claim 1, de la Huerga meets the claimed limitation as follows:

“A computer system comprising:

at least one processor;

an identification signal detection circuit for receiving a wireless identification signal from an identification object. the wireless identification signal containing identification information regarding the assigned possessor of the identification object;

a memory having means for determining whether the assigned possessor of the identification object as indicated by the wireless identification signal has authorized access to computer information accessible by the computer system;

and a memory having means for placing the computer system in a condition to deny access by placing the computer system in a lower power state in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from an assigned possessor having authorized access.” see column 11, line 27 to column 15, line 16.

Regarding claim 2, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 further comprising: a memory circuit programmable to store a list of at least one user having authorized access to computer information assessable by the computer system." see column 10, lines 43-44 and Figure 8.

Regarding claim 5, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1, wherein placing the computer system in a condition to deny further includes logging a user off of the computer system in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from an assigned possessor having authorized access." see column 13, lines 47-65.

Regarding claim 6, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1, wherein placing the computer system in a condition to deny further includes placing the computer system in a locked state in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from an assigned possessor having authorized access." see column 13, lines 47-65.

Regarding claim 7, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1, a memory circuit storing operating system code whose execution by the at least one processor implements an operating system for controlling the operation of the computer system; and wherein the operating system code includes code whose execution places the computer system in a condition to deny access to computer information accessible by the computer system in response to the identification signal detection circuit not having received for a predetermined period of

Art Unit: 2137

time, a wireless identification signal containing identification information from an assigned possessor having authorized access." see column 13, lines 47-65.

Regarding claim 8, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 wherein the identification signal detection circuit further includes: a controller operably coupled to the memory having means for determining whether the assigned possessor of the security object and operably coupled to the memory having means for determining that the identification signal detection circuit has not received for a predetermined period of time." see column 14, lines 42-58.

Regarding claim 9, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 wherein the identification signal detection circuit, the memory having means for determining whether the assigned possessor, and the memory having means for determining that the identification signal detection circuit has not received are implemented on a computer add in card." see column 10, lines 35-44.

Regarding claim 10, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 wherein: the memory having means for determining that the identification signal detection circuit has not received for a predetermined period of time is implemented in the identification signal detection circuit; and the identification signal detection circuit provides a signal in response to a determination that the identification signal detection circuit has not received for a predetermined period of time, a wireless identification signal containing identification information from an assigned possessor having authorized access." see column 13, line 47 to column 14, line 58.

Art Unit: 2137

Regarding claim 11, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 10 wherein the identification signal detection circuit generates an interrupt in response to a determination that the identification signal detection circuit has not received for a predetermined period of time." see column 13, line 47 to column 14, line 58.

Regarding claim 12, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 10 wherein the identification signal detection circuit asserts a #PME signal in response to a determination that the identification signal detection circuit has not received for a predetermined period of time." see column 13, line 47 to column 14, line 58.

Regarding claim 13, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 12 further comprising: a chipset circuit having an input to receive the #PME signal from the identification signal detection circuit." see column 13, line 47 to column 14, line 58.

Regarding claim 14, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 wherein the memory having means for determining whether the assigned possessor of the security object and the memory having means for determining that the identification signal detection circuit has not received for a predetermined period of time, are both implemented in the same memory circuit of the identification circuit." see column 13, line 47 to column 14, line 58.

Regarding claim 15, de la Huerga meets the claimed limitation as follows:

Art Unit: 2137

“The computer system of claim 1 wherein the identification signal detection circuit is operably coupled to the processor via a power managed computer bus.” see column 15, lines 20-45.

Regarding claim 16, de la Huerga meets the claimed limitation as follows:

“The computer system of claim 1 wherein: the identification signal detection circuit has an output to provide an indication signal indicating that the identification signal detection circuit has received a wireless identification signal containing identification information of an assigned possessor of a security object determined to have authorized access; and wherein the identification signal is provided in response to receiving a wireless identification signal containing identification information of an assigned possessor of a security object determined to have authorized access after a predetermined period of time of not receiving an identification signal containing identification information of an assigned possessor of a security object determined to have authorized access.” see column 11, line 27 to column 15, line 16.

Regarding claim 17, de la Huerga meets the claimed limitation as follows:

“The computer system of claim 16 wherein: the identification signal detection circuit is operably coupled to the at least one processor via a computer bus substantially conforming to a PCI Local Bus Specification; and the indication signal includes an assertion of the #PME signal.” see column 11, line 27 to column 15, line 16.

Regarding claim 18, de la Huerga meets the claimed limitation as follows:

“The computer system of claim 1 further comprising: a memory having means for placing the computer system in a higher power state from a lower power state if it is

Art Unit: 2137

determined that the identification signal detection circuit has received a wireless identification signal containing identification information of an assigned possessor having authorized access." see column 15, lines 20-45.

Regarding claim 19, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 1 further comprising: a memory having means for implementing a state machine including at least one state of a first state type and at least one state of a second state type; wherein in a state of the first state type, the identification signal detection circuit is receiving identification signal containing identification information of an assigned possessor having authorized access within a predetermined period of time from a previously received identification signal containing identification information of the assigned possessor having authorized access; and wherein in state of the second state type, the identification signal detection circuit is not receiving an identification signal containing identification information of an assigned possessor having authorized access within a predetermined period of time from a previously received identification signal containing identification information of the assigned possessor having authorized access." see column 15, lines 20-45.

Regarding claim 20, de la Huerga meets the claimed limitation as follows:

"The computer system of claim 19 wherein the identification signal detection circuit further includes: a controller operably coupled to the memory having means for implementing a state machine, the state machine being implemented by the controller." see column 15, lines 20-45.

Regarding claim 21, de la Huerga meets the claimed limitation as follows:

Art Unit: 2137

"A method for controlling access to computer information comprising:

sending a wireless identification signal by an identification object, the wireless identification signal including identification information regarding an assigned possessor of the object;

receiving, independent of a conscious access action by a user, the wireless identification signal by a detection circuit;

determining whether the assigned possessor as indicated by the wireless identification signal has authorized access to computer information accessible by a computer system; and

granting access to computer information accessible by the computer system if it is determined that the assigned possessor as indicated by the wireless identification signal is authorized access, wherein the granting access to computer information assessable by the computer system further includes placing the computer system in a higher power state from a lower power state; and

denying access to computer information accessible by the computer system placing the computer system in a lower power state in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from an assigned possessor having authorized access." see column 11, line 27 to column 15, line 16.

Regarding claim 22, de la Huerga meets the claimed limitation as follows:

Art Unit: 2137

"The method of claim 21 wherein sending the wireless identification signal includes implementing a shaped binary frequency modulated signal." see column 11, line 27 to column 15, line 16.

Regarding claim 23, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 wherein the identification object includes an identification badge and a transmitter circuit embedded in the badge." see column 10, lines 35-44.

Regarding claim 24, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 wherein the determining whether the assigned possessor is authorized access further includes: determining by the execution of code whether an indication of the assigned possessor is included in a preprogrammed computer readable list of indications of users having authorized access." see column 11, line 27 to column 15, line 16.

Regarding claim 25, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 wherein the execution of code is performed by a controller of the detection circuit." see column 11, line 27 to column 15, line 16.

Regarding claim 27, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 wherein the granting access to computer information assessable by the computer system further includes placing the computer system in an unlocked state." see column 11, line 27 to column 15, line 16.

Regarding claim 28, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 wherein the granting access further includes: displaying on a user interface a message requesting a user to provide a password; determining whether

the password provided by the user is assigned to the assigned possessor determined to have authorized access; and granting access to computer information assessable by the computer system if determined that the password is assigned to the assigned possessor." see column 12, line 58 to column 13, line 46.

Regarding claim 29, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 further comprising: denying access to computer information accessible by the computer system in: response to a determination that the detection circuit has not received for a predetermined period of time, a wireless identification signal including information regarding an assigned possessor having authorized access." see column 13, line 47 to column 14, line 58.

Regarding claim 30, de la Huerga meets the claimed limitation as follows:

"The method of claim 29 wherein denying access further includes placing the computer system in a locked state from an unlocked state in response to a determination that the detection circuit has not received for a predetermined period of time, a wireless identification signal including information regarding an assigned possessor having authorized access." see column 13, line 47 to column 14, line 58.

Regarding claim 31, de la Huerga meets the claimed limitation as follows:

"The method of claim 29 wherein denying access further includes logging a user off of the computer system in response to a determination that the detection circuit has not received for a predetermined period of time, a wireless identification signal including information regarding an assigned possessor having authorized access." see column 13, line 47 to column 14, line 58.

Art Unit: 2137

Regarding claim 32, de la Huerga meets the claimed limitation as follows:

"The method of claim 21 further comprising: providing a signal by the detection circuit that the detection circuit has not received for a predetermined period of time, a wireless identification signal including information regarding an assigned possessor having authorized access." see column 13, line 47 to column 14, line 58.

Regarding claim 33, de la Huerga meets the claimed limitation as follows:

"The method of claim 32 wherein the providing the signal includes generating an interrupt." see column 13, line 47 to column 14, line 58.

Regarding claim 34, de la Huerga meets the claimed limitation as follows:

"The method of claim 32 wherein the providing the signal includes asserting a #PME signal." see column 13, line 47 to column 14, line 58.

Regarding claim 35, de la Huerga meets the claimed limitation as follows:

"An identification object for an assigned possessor comprising:

a circuit including:

a controller;

an antenna; and

a memory operably coupled to the connector, the memory having means for generating an information signal periodically broadcast via the antenna, the information signal containing identification information regarding the assigned possessor." see column 10, lines 35-46.

Regarding claim 36, de la Huerga meets the claimed limitation as follows:

Art Unit: 2137

"The identification object of claim 35 wherein the identification object is implemented as a security badge." see column 10, lines 35-46.

Regarding claim 37, de la Huerga meets the claimed limitation as follows:

"The identification object of claim 35 wherein the signal is broadcast range of at least ten feet." see column 10, lines 35-46.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B Smithers whose telephone number is (703) 308-9293. The examiner can normally be reached on Monday-Friday (9:00-5:30) EST.

Art Unit: 2137

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew B Smithers
Primary Examiner
Art Unit 2137